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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Valero Refining Company	)	File No. EB-03-PA-132
Licensee of Radio Station WPVR276	)	
Paulsboro, New Jersey	)	NOV No. V20033240003
	)	

**NOTICE OF VIOLATION**

**Released: August 19, 2003**

By the District Director, Philadelphia Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Valero Refining Company, the licensee of radio station WPVR276.

2. On August 5, 2003 at 10:30 a.m., an agent of the Commission's Philadelphia Office inspected radio station WPVR276 at 800 Billingsport Road, Paulsboro, New Jersey and observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Service must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section". The license for station WPVR276 authorizes Valero to operate GPS radio transmitting equipment on the frequencies 461.025 MHz, 461.075 MHz, 462.125 MHz, and 462.375 MHz at any temporary location within New Jersey. However, Valero was operating the GPS radio transmitting equipment on the unauthorized frequency 464.625 MHz.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Valero Refining Company must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

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**Federal Communications Commission**

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Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Valero Refining Company, 800 Billingsport Road, Paulsboro, New Jersey 08066.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

John E. Rahtes  
District Director  
Philadelphia Office

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*